

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

SAMUEL POUTASI,	)	Case No.
Plaintiff,	)	<b>COMPLAINT</b>
v.	)	Negligence – Personal Injuries
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, a foreign entity;	)	(Demand for Jury Trial)
WILLIE TAGGART;	)	(Not Subject to Mandatory Arbitration)
IRELE ODERINDE; and	)	Filing Fee based upon ORS 21.160(1)(d)
UNIVERSITY OF OREGON,	)	Amount in Controversy: \$5,000,000.00
a public body of the State of Oregon,	)	
Defendants.	)	

Plaintiff alleges:

**FIRST CLAIM FOR RELIEF  
(Against Defendant University)  
(Negligence)**

1.

At all times material hereto:

- a) Defendant National Collegiate Athletic Association (“NCAA”) is and has been an organization (unincorporated association) made up of college and university members, and holds itself out as the governing body to ensure student athlete safety in college sports, including college football, and has engaged in regular and sustained business activity in Multnomah County;



1 3.

2 Over the next century up until the present, defendant NCAA, through its role as the rule-  
3 making steward of player safety positioned itself at the center of college sports revenue.  
4 Defendant NCAA now spearheads and organizes a multi-billion-dollar business, with the profits  
5 enjoyed by its own multi-million-dollar executives and member universities and colleges.

6 4.

7 A primary engine for the above revenue is the ever-increasing competitive nature of  
8 college football, in which NCAA member institutions place greater and greater pressure on the  
9 coaches and student athletes to win and outperform opposing teams from other institutions.

10 5.

11 To further the above model, many NCAA member institutions provide lucrative multi-  
12 million-dollar college football coaching contracts, with the understanding that if the head  
13 coaches and/or assistant coaches fail to promptly field highly competitive teams, then they will  
14 be fired.

15 6.

16 Many college football coaches respond to that ever-present pressure to win and win now  
17 by imposing extraordinary strength and conditioning practices in hopes of making the student  
18 athletes bigger, more disciplined, and stronger than the student athletes on opposing teams.  
19 These training regimens often are designed to meet the coach's and university's immediate goal  
20 to win games without adequate regard for known risks to the short-term or long-term health of  
21 the student athletes.

22 7.

23 Such regimens often take the form of physically impossible and unreasonably repetitious  
24 exercises which the coaches impose as physical punishment on the student athletes and to work  
25 the student athlete's body to its outer limits without regard for known risks to the short-term or  
26 long-term health of the student athletes.

8.

Defendants NCAA, University, Taggart, and Oderinde, knew, or in the exercise of reasonable care, should have known, that such physical regimens imposed by college coaches on student athletes under the guise of strength and conditioning exercise have resulted in orthopedic injuries, organ failures/injuries, and deaths to student athletes. Defendant NCAA's guidelines against such practices, which it published for the use of member institutions and coaches, identify numerous injury and death events from such regimens, including but not limited, to the following cases of exertional rhabdomyolysis, kidney injury, and associated harms:

- a) Thirteen student athletes from a college football team were hospitalized for several days for exertional rhabdomyolysis following the team's first workout after a three-week winter break. The coaches imposed a physically impossible exercise regimen of squats and told the student athletes that the workout "would demonstrate who wanted to be on the team";
- b) Five student athletes developed exertional rhabdomyolysis and one had bilateral fasciotomy for thigh compartment syndrome, when coaches after the winter break transition period imposed intense squat drills;
- c) Twelve student athletes of another football team were hospitalized with exertional rhabdomyolysis with three requiring fasciotomies for compartment syndrome, when a new football coach decided to test the players' resolve by submitting them to intensive and repetitive push up and upper body drills.

9.

Defendants NCAA, University, Taggart, and Oderinde, and each of them, knew, or in the exercise of reasonable care, should have known, that intensive and repetitive workouts used in physical regimens present a much greater risk of causing exertional rhabdomyolysis and other injuries to student athletes when the coaches impose the regimens during team transition periods, *e.g.*, soon after winter or summer break, because the student athletes are not yet acclimated to such intensive repetitions, or when the coach imposes the exercise in the early morning hours when the body is pre-dehydrated from sleep.

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10.

Despite their knowledge of the serious health injuries and deaths suffered by student athletes from such practices, defendants NCAA and University have declined to prohibit or regulate physical punishment regimens in the strength and conditioning training that college football coaches impose upon players.

11.

During the 2016 football season, the Oregon Ducks had a losing season for the first time in over a decade. That single losing season was unacceptable to defendant University, and University fired the coach, Mark Helfrich. Winning was so important to defendant University that it was undeterred by his contractual buy-out clause, which would require University to pay him upwards of \$15,000,000.00 to fire him.

12.

In December 2016, after firing the above coach, defendant University hired defendant Taggart to be the head football coach of the Oregon Ducks with a \$16,000,000.00 contract.

13.

Defendant Taggart, within a month of being hired, fired every assistant coach for the Oregon Ducks football team, many of whom had been working with the program for decades. He also removed the football team's strength and conditioning coach, James Radcliffe, from training football players. Coach Radcliffe was a nationally recognized and certified strength and conditioning coach who followed an evidence-based practice for improving student athletic performance, while ensuring student athlete health and safety. He did not impose such extreme physical regimens. Defendant Taggart fired him in favor of hiring defendant Oderinde to be the strength and conditioning coach for the student athletes.

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14.

Defendant Oderinde had worked as defendant Taggart's strength and conditioning coach at the two previous schools where Taggart coached before coming to the University of Oregon. Defendant Oderinde not only was willing to put student athletes through non-evidence-based physical punishment regimens, but also did not carry industry required certification to be a strength and conditioning coach, *i.e.*, a Certified Strength and Conditioning Specialist ("CSCS"),

15.

Defendant University knew, or, in the exercise of reasonable care, should have known, that defendant Taggart and defendant Oderinde had a history of imposing the extreme physical regimens on student athletes that were contrary to the warnings and guidelines of defendant NCAA, and that they intended to bring those practices to the University's football team.

16.

Defendant Taggart was hired in December 2016, during the student athletes' winter break period. Team strength and conditioning workouts would not begin until on or about January 10, 2017. Defendant Taggart informed the student athletes that he and the new coaches were going to focus on discipline in strength and conditioning, and that they were "going to find the snakes in the grass and cut their heads off." He also emphasized to the student athletes that they were free to quit the team—that he welcomed that they quit the team, and that he saw the primary purpose of his job to replace the current players recruited under Helfrich with his own recruits.

17.

Defendant Taggart also identified a small handful of exceptional student athletes already with the program who were known to work hard, and he named those student athletes to a leadership team. Those members had the special job of setting an example of hard work and determination for the rest of the team during team practices and training.

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18.

On or about January 10, 2017, defendants Taggart and Oderinde planned to subject the student athletes to an extreme physical regimen on the first day back from winter break as part of the coaches' efforts to, in Taggart's words, "find the snakes in the grass and cut their heads off." The coaching defendants planned to impose a physically grueling training exercise that they developed over their years working together that would require the student athletes to exceed the outer limits of their will, discipline, strength, and physical health.

19.

The coaching defendants knew, or in the exercise of reasonable care, should have known, that the football players would be at their weakest condition following the winter break transition period. Because the NCAA did not enforce such guidelines, the coaching defendants did not care that the workout violated NCAA guidelines for protecting student athletes from severe over-exertion injuries such as death and rhabdomyolysis. The workouts took place every morning on four consecutive days. Some student athletes, including plaintiff, started their exercise regimen at 6:00 a.m.

20.

Defendant University's coaches did not review the training program with University sports medical staff to ensure it was safe for the student athletes, and defendant University failed to require defendant Taggart and Oderinde to do so.

21.

The student athletes were divided into three workout groups of about 40 student athletes each (a 6:00 a.m. group, an 8:00 a.m. group, and a 10:00 a.m. group) with each group being subject to a workout that would last approximately one to one and a half hours. Plaintiff participated in the 6:00 a.m. workout group.

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22.

The coaching defendants had the walls of the workout room of the \$100 million Hatfield-Dowlin Complex lined with garbage cans, because they knew or had reason to know from their previous experiences that the regimen that they intended to impose on the student athletes would cause many student athletes to vomit, and the coaches did not want the student athletes to vomit on the floor of the pristine and valuable facility. The coaching staff also made breathing machines available in the event that student athletes lost consciousness and passed out, and at least one student athlete actually did pass out. They also did not make water available in the workout room for at least the first day of the workouts.

23.

The workout initially required approximately 40 or so student athletes to do 10 perfect push-ups in unison. If even one of the 40 student athletes were out of unison with the others or failed to use perfect technique, then the coaches punished all of the student athletes by having them perform numerous up-downs and begin the push-up drill again. Such unison or perfect technique from 40 players for ten consecutive pushups was not possible. Indeed, defendant Oderinde during the workout made it clear very quickly that the team would never satisfy the "10 perfect push-ups" goal, and that the entire purpose of the work out was to weed out the "snakes" on the team. Defendant Oderinde transitioned the workout to near-unceasing, repetitive up-down punishment drills for the hour to hour and a half session.

24.

During the workout, if even one student athlete needed to stop performing the punishment drills to catch his breath, to vomit, or otherwise address physical pain and injury, then the rest of the student athletes were punished with additional push-ups or up-downs until the exhausted, injured, or vomiting student athlete returned.

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25.

By the time the workout period ended, the student athletes had performed hundreds of push-ups and up-downs without rest, and while being prohibited, at least on the first day, from drinking water during the workouts.

26.

As the student athletes became more exhausted and appeared close to physically breaking, defendant Oderinde would shout, "If anyone wants to quit on their team, feel free to stop. If you want to give up on your team, then you can." One player informed defendant Oderinde of severe pain in his shoulders, and defendant Oderinde replied, "I don't give a fuck about your shoulders! Do you think Stanford gives a fuck about your shoulders?" Those statements combined with defendant Taggart's threat that the coaches intended to "find the snakes in the grass and cut their heads off" signaled to the student athletes that there would be consequences if they failed to keep working through the exercise, no matter their physical breaking point.

27.

Over the course of several days, student athletes vomited, passed out, or collapsed during the workouts. Defendant University's medical staff acknowledged that the workout went beyond the student athletes' natural limits after the first day, but rather than stop the workouts, University staff brought in oxygen tanks on the second day of the workout to facilitate defendants Taggart and Oderinde's desire to proceed as they saw fit.

28.

At all times material, defendant Taggart exercised actual control over what defendant Oderinde was doing and knew or had reason to know of defendant Oderinde's conduct mentioned herein.

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29.

Defendants Taggart and Oderinde knew, or, in the exercise of reasonable care, should have known, that the physical drills that he was imposing upon the student athletes went beyond the scope of his authority as a University employee and they are therefore personally liable under ¶¶ 47 through 49 of the Second Claim for Relief, and ¶¶ 50 through 52 of the Third Claim for Relief, as their conduct is not protected by the Oregon Tort Claims Act.

30.

Defendants Taggart and Oderinde further knew, or, in the exercise of reasonable care, should have known, that depriving the student athletes of water during the exhausting exercises served no legitimate training purpose.

31.

Defendants Taggart and Oderinde knew, or, in the exercise of reasonable care, should have known, of the type of severe consequences that could result from the exercise drill, and knowingly conducted the exercise drill with conscious disregard to the detrimental health consequences for the student athletes. Defendant Oderinde was well aware of the health risks of the regimen, and even mockingly asked of student athletes whether they “had any blood in their pee yet.”

32.

Alternatively, if defendant Oderinde was not aware of the consequences of the exercise drills, he was wholly incompetent to have been hired to perform a job as a strength and conditioning coach for a college football team.

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33.

Predictably, student athletes had discolored urine from muscles breaking down and the resulting blood products passing through their kidneys. Student athletes' muscles were seizing up, and some could not even move their arms. Three student athletes from the 6 a.m. workout group, including plaintiff, were hospitalized for multiple days with extreme cases of exertional rhabdomyolysis which causes a risk of severe kidney damage and death.

34.

Plaintiff was one of the hospitalized student athletes, and he suffered serious and permanent injuries further described below. Plaintiff was hospitalized at PeaceHealth Sacred Heart Medical Center at RiverBend, in Springfield, Oregon, from Friday morning, January 13, 2017, until Friday, January 20, 2017.

35.

Defendant NCAA has known about college football coaches repeatedly inflicting exercise drills that provide no evidence-based benefit to the student athletes and which create serious risks of exertional injuries of orthopedic injury, organ damage, and death. Although defendant NCAA has full authority to prohibit such practices under its fundamental mission to protect student athletes from needless injury, NCAA refuses to prohibit the practice.

36.

Defendant University was negligent in one or more of the following ways:

- a) In failing to prohibit or regulate the type of physical punishment regimens imposed on the student athletes by defendants Taggart and Oderinde;
- b) In failing to adequately supervise the strength and conditioning exercises imposed on the student athletes by defendants Taggart and Oderinde;
- b) In failing to ensure that defendants Taggart and Oderinde had adequate training to lead the student athletes in strength and conditioning exercises.

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1 37.

2 The negligence of defendants, and each of them, as set forth herein, was a substantial factor  
3 in causing, contributing to, enhancing, and/or aggravating the following injuries:

- 4 a) Acute exertional rhabdomyolysis ("AER");  
5 b) Severely swollen arms;  
6 c) Muscle aches and pains;  
7 d) Loss of use of arms;  
8 e) Elevated creatinine kinase levels caused by AER;  
9 f) Discolored urine (dark brown);  
10 g) Damage to kidneys.

11 38.

12 As a result of negligence of defendants, and each of them, in one or more of the  
13 particulars set forth herein, plaintiff has incurred reasonable and necessary medical expenses to  
14 date, and will further incur future medical expenses, all to his total economic damage in an amount  
15 to be determined.

16 39.

17 As a further result of the negligence defendants, and each of them, plaintiff has suffered  
18 physical and emotional pain, inconvenience, loss of enjoyment of life, and diminishment of  
19 avocational abilities, in the past, present, and future, all to his noneconomic damage in a  
20 reasonable amount to be awarded by the jury, not to exceed the sum of \$5,000,000.00.

21 40.

22 Plaintiff reserves the right to amend this Complaint at the time of trial to more completely  
23 allege his economic losses and/or to conform to proof offered at trial.

24 41.

25 Plaintiff is entitled to pre-judgment interest at the legal rate of 9% per annum for his  
26 economically verifiable losses from the date of loss to the date of entry of judgment herein.

1 42.

2 Plaintiff hereby demands a jury trial.

3 43.

4 Plaintiff gave notice of his claim against defendant University as required by ORS 30.275  
5 on January 10, 2019, which was within 180 days of the time that plaintiff knew, or in the  
6 exercise of reasonable care, should have known, of the facts giving rise to his claim against  
7 defendants University, Taggart, and Oderinde.

8 44.

9 Defendants Taggart and Oderinde informed the members of the football team, shortly  
10 after the incident, that press reports of the hospitalization of the three student athletes were  
11 “overblown,” that this was “no big deal,” and that there was “nothing wrong” with the football  
12 practices from January 10, 2017, to January 12, 2017, that lead to the hospitalizations.

13 45.

14 There was an internal investigation of this incident conducted by defendant University  
15 shortly thereafter, and the findings of the investigation, *i.e.*, that defendant University and its  
16 coaching staff, including defendants Taggart and Oderinde, had acted properly in conducting the  
17 practices, and that no improprieties were committed, were communicated to the members of the  
18 football team.

19 46.

20 Plaintiff did not discover, nor in the exercise of reasonable care, could he have  
21 discovered, the facts giving rise to his claims against defendants University, Taggart, and  
22 Oderinde, until he read press reports on January 9, 2019, to the effect that student athlete  
23 Douglas Brenner, one of the three student athletes hospitalized with rhabdomyolysis on January  
24 12, 2017, had filed a lawsuit against defendants University, Taggart, and Oderinde, and that the  
25 lawsuit was based, in part, on their failure to follow the guidelines of the NCAA during the  
26 practices from January 10, 2017, to January 12, 2017.

1 47.

2 Plaintiff did not know, nor in the exercise of reasonable care, could he have known, of  
3 the tortious nature of the conduct of defendants University, Taggart, and Oderinde, prior to  
4 January 9, 2019, particularly in light of the fact that defendant University had previously  
5 communicated directly contradictory information. Plaintiff, prior to January 9, 2019, did not  
6 comprehend the tortious and abusive nature of the conduct of defendants University, Taggart,  
7 and Oderinde, during the practices from January 10, 2017, to January 12, 2017.

8 **SECOND CLAIM FOR RELIEF**  
9 **(Against Defendant Taggart)**  
10 **(Negligence)**

11 48.

12 Plaintiff realleges and incorporates by reference ¶¶1 through 35 and 37 through 47 in the  
13 First Claim for Relief above.

14 49.

15 Defendant Taggart was negligent in one or more of the following ways:

- 16 a) In imposing physical punishment regimens on the student athletes;  
17 b) In failing to prohibit the type of physical punishment regimens he and  
18 defendant Oderinde imposed on the student athletes;  
19 c) In failing to adequately supervise the strength and conditioning exercises  
20 imposed on the student athletes by defendant Oderinde;  
21 d) In failing to ensure that defendant Oderinde had adequate training to lead  
22 the student athletes in strength and conditioning exercises.

23 50.

24 Defendant Taggart's negligence, in one or more of the particulars above, caused plaintiff  
25 to suffer injuries and incur damages as alleged in ¶¶37 through 41 of the First Claim for Relief,  
26 as set forth above.

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1 **THIRD CLAIM FOR RELIEF**  
2 **(Against Defendant Oderinde)**  
3 **(Negligence)**

4 51.

5 Plaintiff realleges and incorporates by reference ¶¶1 through 35 and 37 through 47 in the  
6 First Claim for Relief above.

7 52.

8 Defendant Oderinde was negligent, in one or more of the following ways:

- 9 a) In imposing physical punishment regimens on the students;  
10 b) In failing to prohibit the type of physical punishment regimens he imposed  
11 on the student athletes;  
12 c) In leading strength and conditioning exercises when he lacked the training  
13 necessary to safely lead those exercises.

14 53.

15 Defendant Oderinde's negligence, in one or more of the particulars above, caused  
16 plaintiff to suffer injuries and incur damages as alleged in ¶¶37 through 41 of the First Claim for  
17 Relief, as set forth above.

18 **FOURTH CLAIM FOR RELIEF**  
19 **(Against Defendant NCAA)**  
20 **(Negligence)**

21 54.

22 Plaintiff realleges and incorporates by reference ¶¶1 through 35 and 37 through 43 as set  
23 forth in the First Claim for Relief above.

24 55.

25 Defendant NCAA was negligent in one or more of the following ways:

- 26 a) In failing to regulate extreme physical regimens imposed by college  
football coaches on student athletes, including the above-described  
regimens imposed by defendants Taggart and Oderinde on the University  
of Oregon student-athletes in general, and plaintiff in particular;  
b)

b) In failing to prohibit extreme physical regimens imposed by college football coaches on student athletes, including the above-described regimens imposed by defendants Taggart and Oderinde on the University of Oregon student athletes in general, and plaintiff in particular;

c) In failing to enforce rules against extreme physical regimens imposed by college football coaches on student athletes, including the above-described regimens imposed by defendants Taggart and Oderinde on the University of Oregon student athletes in general, and plaintiff in particular.

56.

Defendant NCAA's negligence, in one or more of the particulars above, caused plaintiff to suffer injuries and incur damages as alleged in ¶¶37 through 41 of the First Claim for Relief, as set forth above.

WHEREFORE, plaintiff prays for judgment against defendants, and each of them, in the sum of \$5,000,000.00, for his costs and disbursements incurred herein, and for such other relief as the court determines to be just and equitable.

DATED this 10<sup>th</sup> day of January, 2019.

J. Randolph Pickett, OSB #721974  
R. Brendan Dummigan, OSB #932588  
Kimberly O. Weingart, OSB #091407  
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